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10/720,970

11/24/2003

Craig L. Reding

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EXAMINER

PHAN, HUY Q

ART UNIT

PAPER NUMBER

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NOTIFICATION DATE

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ELECTRONIC

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: CRAIG REDING and CHRISTOPHER HELBLING

Application No. 10/720,970
Technology Center 2600

Mailed: October 17, 2008

Before KRISTA ZELE *Deputy Chief Appeals Administrator*
ZELE, *Deputy Chief Appeals Administrator.*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on August 12, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

APPEAL BRIEF, CLAIMS APPENDIX

A review of the Appeal Brief filed January 29, 2007 reveals that claim 19 in the Claims appendix of the Appeal Brief is not in proper format and/or is not consistent as amended in the last entered amendment filed on May 3, 2006. Furthermore, the Claims Appendix cannot assume entry of After Final submissions for which an Advisory Action has not advised of entry. *See also Manual of Patent Examining Procedure* (MPEP) § 1205.02 (8th ed. Rev. 6, Sept 2007) for details.

Specifically, claim 19, as provided in the Brief's Claims Appendix, reads: "19. A system as recited in claim 18, wherein the at least one processor is further configured to: receive, in response to the notification, an instruction regarding handling of the call."

However, in the last entered Amendment dated May 3, 2006, claim 19, reads: "19. A system as recited in claim 17, wherein the at least one processor is further configured to: receive, in response to the notification, an instruction regarding handling of the call."

It should be noted that the Advisory Action mailed September 7, 2006 denied entry of the Amendment After Final filed August 23, 2006.

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Appropriate correction of all claims provided in the Claims Appendix in proper format is required.

INFORMATION DISCLOSURE STATEMENT

Appellant filed an Information Disclosure Statement (IDS) dated October 23, 2007; January 16, 2008; January 25, 2008; April 10, 2008 and July 11, 2008. There is no indication on the record that the Examiner has considered the above Information Disclosure Statements. MPEP § 609 requires the Examiner to consider any Information Disclosure Statement filed by Applicant if timely submitted. A written communication notifying Appellant of the Examiner's consideration of the above Information Disclosure Statements is required.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) correction of the Claims Appendix of the Brief filed January 29, 2007 or for the Examiner to consider the After Final Amendment filed August 23, 2006;
 - 2) consider the Information Disclosure Statements as noted above;
- and
- 3) for such further action as may be appropriate.

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If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

KZ/tsj

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